



WEST BENGAL ELECTRICITY REGULATORY COMMISSION



Ref No. WBERC/Regulation-78/24-25/ 5546

Dated, Kolkata, the 03rd October, 2024

PUBLIC NOTICE

Subject : Notice Inviting Comments / Suggestions/ Objections on Draft West Bengal Electricity Regulatory Commission (Open Access) (First Amendment) Regulations, 2024

The West Bengal Electricity Regulatory Commission has brought out the Draft West Bengal Electricity Regulatory Commission (Open Access) (First Amendment) Regulations, 2024 which is available at www.wberc.gov.in.

All stakeholders/ interested persons may submit Comments / Suggestions/ Objections on the draft to West Bengal Electricity Commission at Plot No : AH/5 (2nd and 4th Floor), Premises No : MAR 16-1111, Action Area – 1A, New Town, Kolkata – 700 163 by **14th November, 2024 (3 P.M.)**.

A copy of draft Regulation and also the existing Regulations proposed to be amended may be obtained from the office of the Commission between **11.00 hrs to 15.00 hrs** on any working day on payment of usual fees. Interested persons may visit the website of the Commission at www.wberc.gov.in for obtaining the copy of the said draft regulation.

By Order of the Commission

Place : Kolkata

Sd/-

Date: 03rd October, 2024

Secretary

(Draft)

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. ___/WBERC

Kolkata, the _____, 2024

In exercise of the powers conferred by sub-section (1) and clauses (zp) of sub-section (2) of section 181, read with clause (d) of sub-section (2) of section 39, sub-section (c) of section 40, sub-section (2) and (4) of section 42, sub-section (3) of section 42, clause (c) of sub-section (1) of section 86, clause (e) of sub-section (1) of section 86, of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf, the West Bengal Electricity Regulatory Commission hereby makes the following regulations to amend the West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022 published under notification no. 75/WBERC dated 01.08.2022.

1. Short title, extent and commencement:

- (1) These Regulations may be called the West Bengal Electricity Regulatory Commission (Open Access) (First Amendment) Regulations, 2024.
- (2) These extend to the whole of West Bengal.
- (3) These shall come into force on the date of their publication in the Official Gazette.

2. After clause (ttt) of regulation 2.1, the following shall be inserted:

“(uuu) “WBEGC” refers to the State Grid Code specified by the Commission in terms of clause (h) of sub-section (1) of section 86 of the Electricity Act 2003;”

3. The first proviso of regulation 4.2 shall be substituted with the following:

“Provided that only consumers who have contracted demand or sanctioned load of 100 (Hundred) kW or more, either through a single connection or through multiple connections aggregating 100 (Hundred) kW or more located in the same billing division/Region/Zone in respect of distribution licensees shall be eligible to take power through Green Energy Open Access:”

- 4. The third proviso of clause (a) of regulation 9.1 shall be substituted with the following:**

“Provided, all applications for Green Energy Open Access, which are complete in all respects, must be submitted on the portal established by the Central Nodal Agency and the fees for State Nodal Agency have to be deposited simultaneously as per clause (b) of this regulation.”

- 5. Clause (f) of regulation 10.2 shall be substituted with the following:**

“(f) In case Long-Term Open Access can be provided without any further system strengthening, the Nodal Agency shall give consent in Format - 2 as per Annexure-2 for Long-Term Open Access to the Applicant with a copy to the SLDC and STU (if different from Nodal Agency) within 15 days from the date of receipt of the application complete in all respect.”

- 6. Clause (g) of regulation 10.2 shall be substituted with the following:**

“(g) If in the opinion of the Nodal Agency, Open Access cannot be allowed due to any ineligibility or because further system strengthening is essential before providing Long-Term Open Access, the Nodal Agency shall communicate the decision to the Applicant in Format-2A as per Annexure-2 within 15 days from receiving the application stating the detailed reasons which shall include detailed justification, load flow study reports in detail and all backup calculations with regard to non-availability of the concerned assets required for the Open Access. Construction of dedicated transmission line shall not be construed as augmentation/strengthening of transmission system for this purpose.”

- 7. Clause (d) of regulation 11.2 shall be substituted with the following:**

“In case of medium-term Open Access, the Nodal Agency shall give consent in the Format - 2 for Medium- Term Open Access to the Applicant with a copy to the SLDC and STU (if different from Nodal Agency) within 15 days from the date of receipt of the application complete in all respect.”

8. After Regulation 14 the following new regulation shall be inserted:

"14A. Banking facility and charges for Green Energy Open Access:

- (1) Banking facility shall be permitted to the consumers availing Green Energy Open Access for purchase of energy from its captive power plant located in the State or from any third-party renewable energy sources located in the State.
- (2) For these Regulations, the banking means surplus green energy injected into the grid and credited with the distribution licensee energy by the Green Energy Open Access consumers and that shall be drawn after adjusting 8% to compensate the distribution licensee by the open access consumer:

Provided that, the credit for banked energy shall not be permitted to be carried forward to subsequent banking cycle and shall be adjusted within the same banking cycle. For the purpose of this regulation, the banking cycle shall be the same as the billing cycle of the respective consumer:

Provided further that, the un-utilised surplus banked energy shall be considered as lapsed at the end of each banking cycle and renewable energy generating station shall be entitled to get a Renewable Energy Certificate to the extent of lapsed banked energy.

- (3) The permitted quantum of banked energy by the Green Energy Open Access consumers shall be at least thirty percent of the total monthly consumption of electricity from the distribution licensee by the consumer. However, the distribution licensee may permit banking for additional quantum considering its overall system capacity.

Provided that, where the banking cycle is more than one month, it shall be thirty percent of the total consumption during the banking cycle.

[Explanation: For the purpose of calculating the permissible quantum of banked energy, which represents a minimum of 30% of total monthly consumption, only the energy directly procured from the distribution licensee shall be considered. Electricity obtained through Open Access arrangements

either from a third-party supplier or via captive generation through open access, will be excluded from this calculation.]

- (4) The banked energy shall be recorded on a Time of day (TOD) basis and is subject to utilization as below:
 - (a) energy banked during the peak period shall be adjusted during the normal, off-peak and peak periods,
 - (b) energy banked during normal periods shall be during normal and off-peak periods,
 - (c) energy banked during the off-peak period shall be adjusted only during the off-peak period.
- (5) The banking of energy shall be evaluated for energy accounting on a 15-minute time block basis. The green energy open access consumer shall specify the schedule for the quantum of banked energy and its open access drawal for each 15-minute time block separately to the distribution licensee. Similarly, when an open access consumer decides to draw the banked energy, it shall submit a 15-minute time block-wise drawal schedule to the distribution licensee.
- (6) SLDC shall develop the Scheduling procedure for Banking and Withdrawal of Green Energy within 30 days from issuance of these Regulations, following the principles stated below:
 - (a) Banking of green energy and its withdrawal/ adjustment shall be scheduled in 15-minute time blocks.
 - (b) RE generator shall provide a 15-minute block-wise schedule to the open access consumer. The open access consumer shall based on its requirement specify its (i) open access drawal and (ii) banking schedule for each 15-minute time block to the distribution licensee on a day-ahead basis. The overall quantum of banked plus open access drawal for each time block shall be within the contracted quantum of open access. Applicable transmission and distribution losses are to be considered during scheduling.

- (c) Green Energy Open Access Consumers can revise their schedule only after 12-time blocks.
- (d) The distribution licensee shall specify the total quantum (i.e. open access drawal + banked energy) as a part of its schedule and submit it to SLDC along with its initial schedule.

Provided that, if the green energy source and the open access consumer are located in the same distribution license area, the ALDC of the distribution licensee shall act as the nodal agency and, in such case, a green open access schedule is not required to be forwarded to SLDC.

- (7) The Distribution licensee shall upload the procedure and model agreement for banking on its website.
- (8) Applicable charges for green Open Access shall be computed based on the total open access contract quantum and no separate charges shall be payable during the drawal of banked energy.
- (8) The SLDC will be responsible for maintaining energy accounts for all banking transactions for inter-state and intra-state green energy open access.

Provided that, where the injection and drawal point are within the same distribution licensee then the distribution licensee's ALDC shall maintain the energy accounting.

- (9) The banking facility is non-transferable and can only be utilized by the original open access consumer entering into the agreement."

9. The second proviso of clause (b) of regulation 18.2.4 shall be substituted with the following:

"Provided also that cross subsidy surcharge shall not be applicable in case the power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer:"

10. The fourth proviso of clause (b) (i) of regulation 18.2.5 shall be substituted by the following:

“Provided also that additional surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer:”

11. The following proviso shall be inserted at the end of clause (b) (i) of regulation 18.2.5:

“Provided also that additional surcharge shall not be applicable in case electricity is produced from offshore wind projects, which are commissioned up to December 2032 and supplied to the Open Access Consumers.”

12. Regulation 21.3(a) shall be substituted by the following:

“21.3 Charges for Short-term Open Access:

a) For Short Term Open Access, the advance payment for the full amount of capacity booked in MW towards transmission charges and scheduling charges for the daily Final Implemented Schedule for the concerned period shall be deposited by an Open Access Customer to the SLDC. The wheeling charges, cross-subsidy surcharge, additional surcharge, meter rent, meter reading and related charges, for the concerned period shall be deposited by an Open Access Customer to the ALDC of the concerned distribution licensee. Such advance payment shall be made within three working days of the grant of the Short-Term Open Access. No Open Access transaction will be scheduled by SLDC/Nodal Agency unless the payments are made:

Provided that when the injection point as well as the drawal point of the open access consumer lies within the same distribution licensee and its scheduling and accounting are done by the ALDC of the distribution licensee, open access consumer shall pay the scheduling charge to the ALDC of the distribution licensee:

Provided further that such advance payment shall not be required if the customer furnishes an equivalent bank guarantee, valid until the date of payment, and no outstanding dues are pending in relation to any charges payable to the SLDC/ALDC.

However, these payments can be made within 3 working days from the date of filing the application.”

13. After clause (f) of regulation 30.2 a new clause shall be inserted as under:

“(g) The details of every Green Open Access Application received by SLDC from Central Nodal Agency and the status of such application.

By order of the Commission

Place : Kolkata

Sd/-

Dated :

(Secretary of the Commission)